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THE POLITICAL ASPECTS OF URBANIZATION, POLITICAL CONSIDERATIONS IN COMMUNITY ACTION. KANSAS STATE UNIVERSITY SHORT COURSE SERIES IN PLANNING AND DEVELOPMENT, 4.

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PART OF A KANSAS STATE UNIVERSITY SERIES ON COMMUNITY PLANNING AND DEVELOPMENT, THIS MONOGRAPH DISCUSSES THE ROLE OF POLITICS (HERE DEFINED AS THE MEANS BY WHICH CONFLICT AMONG DIVERSE GOALS AND METHODS ARE RESOLVED OR ACCOMMODATED IN SOCIETY) AND GOVERNMENT (ANY INSTITUTION THAT FORMALLY ENACTS AND ADMINISTERS THE RULES OF SOCIETY) IN COMMUNITY ACTION. THE GROUP THEORY OF POLITICS, WHICH STRESSES THE IMPORTANCE OF CONTENDING GROUPS, INDIVIDUALS, AND INTERESTS RATHER THAN THAT OF THE INDIVIDUAL CITIZEN, IS SET FORTH. DIVISIVE AND INTEGRATIVE FORCES AT WORK IN URBAN AND URBAN AFFECTED AREAS ARE THEN EXAMINED IN THE LIGHT OF THIS THEORY. IN THE REALM OF MUNICIPAL GOVERNMENT, THREE BASIC ASPECTS OF THE CURRENT LEGAL STATUS OF KANSAS CITIES ARE DISCUSSED--RELATIONSHIPS BETWEEN STATE AND LOCAL UNITS (INCLUDING PROVISIONS OF THE HOME RULE AMENDMENT), PERMISSIBLE FORMS OF LOCAL GOVERNMENT, AND MUNICIPAL BOUNDARIES. PROBLEMS OF MULTIPLE GOVERNMENTAL JURISDICTION ARE CONSIDERED, TOGETHER WITH SPECIFIC METROPOLITAN SCHEMES ADOPTED BY TORONTO, LOS ANGELES, AND MIAMI. THE DOCUMENT INCLUDES 19 REFERENCES. (LY)

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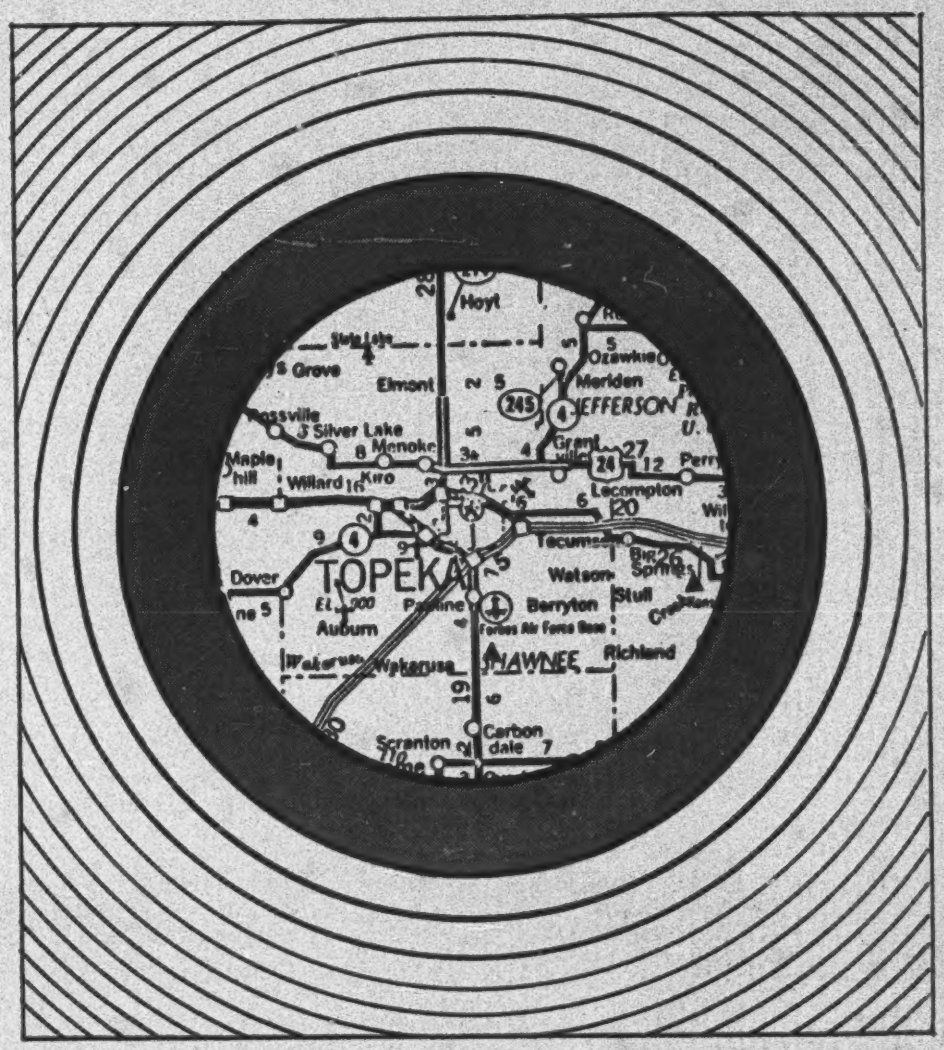

THE PROCESS OF URBANIZATION

The Political Aspects

4

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THE POLITICAL ASPECTS OF URBANIZATION

Political Considerations In Community Action

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POLITICAL CONSIDERATIONS IN COMMUNITY ACTION

This Section will deal with two subjects, often treated as one; government and politics. A pair of definitions will perhaps make clear the reasons for making a distinction for purposes of analysis. Politics may be roughly conceived to be the means by which conflict among diverse goals and the means to achieve these goals is resolved or accomodated in society. Government is the institution which formally enacts and administers the rules of the society. The essential point to this distinction is that politics focuses on the process by which rules are made or changed, while government emphasizes how the rules are effectuated.

POLITICS

The intelligent practitioner needs to recognize that politics is a struggle among the politically attentive groups, individuals, and interests that will be affected by the policy to be established or enforced. The practitioner must not only recognize this but, to some degree, he must realize the persistence and perhaps even the desirability of such divisive contention. We all know that democratic processes demand diversity and difference of opinion, but somehow we are always shocked when we confront it in real situations. We are all for diversity but we would not want it living next door. Neither can we reconcile our biases against contention with the hedging statement that dissent can only be tolerated within limits. Far too often, that view is the equivalent of endorsing diversity only on matters that are trivial. If there are real interests of mon-

ied or articulate persons that are affected by a proposed policy, there will be severe contention. We need fear that contention only if we have no peaceful means to reconcile it. It only clouds the issue to attempt to label certain groups as morally superior and therefore deserving to win the struggle, or to commit the more extreme error of accusing those with whom we do not agree of ingenuousness, of seeking to create divisions within the culture, or of being socialists.

To fashion a workable public program for urban or urbanizing areas requires acceptance of the essential principle that parties have a right to vie for the kind of policy they want, and that the policy ultimately enacted should accord with the desires of the affected parties, even if we personally believe they are wrong. This is only to restate the pragmatism inherent in democratic process.

This is a particularly important aspect of democratic theory to keep in mind in approaching local political problems. For, the very kinds of social and economic development which other discussions in this curriculum associate with urbanism are the processes which lead to the evolution of groups in communities. These interests not only emerge, but, as urbanization continues, are likely to become more self-conscious and politically articulate and active.

Emerging Groups

More explicitly, which groups may be expected to develop politically relevant interests? Business and industrial interests are only the most obvious; the viewpoints of labor, the pro-

fessions, governmental personnel, the public utilities are also bases of potential division of interest. But in addition, less readily recognized aggregations may arise to contest prevailing policies or champion new ones. Racial and ethnic groups, often found in the areas adjacent to the downtown business district renters, homeowner/taxpayers; housewife/consumers all have the kinds of specialized needs that may lead them to seek promotive or protective governmental action. These latter groups come readily to mind because they have recently begun in a dramatic way to call attention to their desires. The "march" or "demonstration" or other form of protest against the status quo often is the prelude to more elaborate organized activity which ultimately results in more conventional forms of "lobbying". The individual who wishes to understand local politics and hopes to anticipate the emerging disputes of the community does well to assume that for every distinctive social role, there is a corresponding political position which should be comprehended by those creating public policy. Political scientists, in recognizing this tendency for a variety of groups to become politically active, have attempted to reformulate their conception of democratic politics to include this realization. Most commonly the name given this reformulated notion is "the group theory of politics."

The Group Theory of Politics

Those formulating the group theory of politics are careful to point out that they are attempting to describe what actually occurs in the process of making public decisions, not necessarily what they personally believe ought to happen.[14] It should

also be recognized at the outset that political scientists came to the group theory of politics in part as a result of long observation of the failure of the individual citizen to live up to the assumptions of traditional democratic theory. That traditional theory had assumed that individuals, not groups or classes, were the most important actors in politics. Traditional democratic theory assumed that each and all citizens would participate in politics and government with equal power and further, that each would derive more or less equal rewards from public policy. Of course, this model citizen was supposed to have all of the following attributes:

1. Each citizen will behave rationally
2. be highly motivated politically
3. have access to all vital information necessary to decision
4. have freedom of access to those making the decisions
5. have free choice among alternative policies and officials on all crucial questions
6. have freedom to communicate with all affected by the decision
7. pursue the "public interest"
8. participate fully and continuously[12]

The findings of a variety of studies have not comforted those who would believe the great body of Americans live up to this model. Studies have found that almost 2% of our citizens are unable to name the President of the United States; only about 3% can name their Representative in Washington, D. C. Slightly less than half (49%) in one study indicated that they read public affairs items in their newspapers at least weekly.

And these are not isolated findings.[1,4]

Many political scientists, in seeking a more accurate description of how policy is actually made, have moved toward what we have called the "group theory of politics." The most fundamental assumption of this approach to understanding politics is that even though the individual may not recognize and pursue his rational self-interest, there is likely to be a group that will. Whereas we have traditionally assumed that viable democracy demanded autonomous individuals engaged in rational pursuit of the public interest, the group theory of politics sees interest groups as the major actors on the public stage. Likewise, the group theory accepts man as less rational and sees him participating less fully than had been traditionally assumed. Group theory conceives public decisions to be made not by majorities of those autonomous individuals, but by coalitions of interested groups that may not be majorities and likely do not represent all citizens. Oligarchies may, and often do rule within each group. Public decision-making is thus accomplished, not by rational, public, face-to-face debate, but in the exercise of power in bargaining—sometimes implicit—among group leaders, affected individuals, politicians, etc. Since few of the group leaders hold public offices themselves, they are therefore, not publicly responsible for their decisions. The politicians toward whom most of the efforts of groups are directed of course, are legally responsible, but it seems fair to observe that more often than not, the politican must respond to the demands of the groups rather than vice versa.

This is only to summarize the most obvious aspects of the group theory of politics; if this is an unaccustomed mode of analyzing politics it will likely take some time and thought to sort out all the pertinent implications of this explanation of how democracy (if we may call it that) appears to be operating in the United States.

To illustrate the impact of group involvement in the resolution of community issues may clarify group theory and demonstrate its practical uses. Take what might seem the seemingly simple decision as to where in the municipality to locate a new park. Certainly, a planner would want to consider the total pattern of land use in the city, the proximity of the park to those it would serve, the economics of the land, the impact on future physical changes in the town, and the aesthetics of the area. But in addition, he needs to add the desires and interests of a variety of affected parties to his list of relevant factors. He needs to anticipate their reactions, and to somehow accomodate them in his decision--either that or be prepared to face the opposition or indifference to his proposals of the affected groups.

To list some of the obvious interests in the location of a park:

1. Real estate or developer interests. A park will influence land values; some real estate will be worth more for business and residential development; some property less. Individual real estate firms and developers may foresee great gain or harm to their financial position and will react accord-

ingly.

2. Businessmen, too will look for the economic impact of the park and may become active. The local Chamber of Commerce is a ready-made organization for conveying business sentiments.

3. Homeowners may foresee that their property values will be affected or they may feel their living conditions might change as noisy children use their yard for a short cut and disturb their serenity while playing in the park. Further, they may recognize that a new park might require tax increases. Though this interest is less well organized in some communities, there seems a growing trend toward Neighborhood Associations which may be mobilized to publicly bargain for homeowner interests.

4. The Negro, the renter, the retired may also see a potential impact of a park on their status. In common, they could share a fear that a park might decrease the amount of low cost housing available to them, resulting in higher rents.

This hypothetical situation just suggests the varieties of affected interests. Which perspectives will be actively presented on any given public issue can only be discovered by anticipating the level of political self consciousness of a given group.

For example, a study of political activities in Denver seems to indicate that knowledge of the activities of political leaders can enable reasonably accurate prediction of the out-

come of specific issues.

The practitioner needs not only to be aware of the potential involvement of a variety of interests but he needs to accomodate their desires to some degree. The decision-maker, after all, will not live with the conditions he creates in quite the same way as these affected interests.

In summary, the group theory of politics calls attention to the fact that urbanization is attended by differentiation of interests in the community; as these interests emerge they organize and may move to petition governmental bodies to promote or protect their interests. This clearly points to increasing pluralistic conflict among groups, as each seeks to maximize the desires of its membership. Fortunately, there are not as many basic positions as there are groups; a tendency to chose similar perspectives leads certain groups to ally in their stands on public issues.

Bases of Group Coalition While conflict and struggle must be openly acknowledged to be a part of the process by which public policy is formulated, it is also clear that there are integrative forces at work in urban and urban affected areas. A knowledge of these integrative forces can be used to facilitate necessary compromise, and thus, should be highly usable to anyone interested in community action. Some of the forces leading coalition among interests arise from the needs that members of the community have of one another in order to survive and prosper. Others arise from the extreme specialization of labor, and consequent complexity of market organization that characterize urban and

urbanizing areas. Businessmen require labor, raw materials, legal aid, a source of capital, financial facilities, utilities, and access to transportation facilities. Similarly, politicians require votes, campaign funds, and publicity. These needs lead to mutual dependencies which make cooperation a necessity in most matters. Thus, each group and individual in the community feels constrained to moderate his demands upon others. Insofar as this force operates in the community, it is a force for integration.

The integration of the community does not result entirely from the kind of mutuality of interest that exists between buyer and seller, or among housing reformers, slum dwellers, investors and politicians. To some extent it is a result of a shared attachment to the community itself. The city, among other things, is a set of shared values, habits, myths and sentimentalities. Such shared perceptions of the city constitutes a social bond. Where there is a shared image of the city, there is a ready made basis for political coalition. Further, the existence of shared values and perceptions among the groups-- important business and political leaders-- provides the "givens" within which practitioners must work unless they are willing and able to undertake mass persuasion programs.

There is by no means universal agreement among social scientists as to what images and perceptions of the community exist; and even if there were, there would be a high level of uncertainty as to what relevance they had to specific political situations in particular towns. While there is no firm knowledge,

there is some helpful analysis that at least suggest some grounds of agreement between a variety of interests.

Oliver Williams has formulated a typology which he uses to distinguish different ends citizens and leaders expect their city governments to serve. Williams assumes that the way a person attaches himself to the community influences his conception of the nature of""the public interest" and thus, defines for him what is the "proper" role of government.[16] Four basic orienting perceptions of the role of city government make up Williams typology. Some see city government as an instrument of community growth; others expect it to be a provider of life's amenities; still others hold it to be a "caretaker", and a final class of citizens expect the government to be an arbiter of conflicting interests.

1. Instrument of Community Growth. The persons who hold this view of the community assume that the most important ends the community exists to serve are population growth, industrial and commercial expansion. A tendency toward strong "boosterism" and to express the view that the city must " progress or die" marks the views of these citizens. Politics, then, is to serve the ends of material progress. This view is common among industrialists, but is not confined to them; it is often also the view of Chambers of Commerce and other businessmen's clubs, local merchants, bankers, large property owners, and some of the city planners. A community dominated by this view will readily enact zoning variations, reduce tax assessments and/or provide subsidies to attract industry, develop industrial parks

install utilities and do whatever else is necessary to keep labor costs low and other conditions favorable to promote economic expansion.

2. Provider of life's amenities. By contrast, those whose connection with the municipality is primarily through their residence are likely to see some particular life style or "way of life" the prime value to be promoted or protected by government. That which makes the community a better place in which to live is more to the amenities seeker important than whether the city physically or materially grows. Those residents holding this view then, emphasize their comsumptive needs rather than the needs of production in conceiving the role of government. In the opinion of the amenity seeker outsiders and transients should be excluded, the labor force kept small, neighborhood "integrity" defended by rigid zoning laws and building codes, open space jealously guarded, noise and air pollution abatement ordinances sought, and traffic routed around the city. Parks, green space, and elaborate educational facilities are also high priority items for this kind of resident. Of course, these measures may cost a great deal; but they will be borne by the "amenity seeker". Such views may be held by certain upper-middle class families, including the wealthy, elderly people and young married couples who are anxious for the "right kind of town" in which to raise their children. A good many suburban communities are dominated by this image of the community. Groups which represent amenities seeking residents are generally more recent and less well-

organized than those which represent the community growth viewpoint, but nonetheless, some organizations are likely to be present in the form of neighborhood associations or will spring up as ad hoc committees to accomplish specific goals.

3. Caretaker. This view of the role of city government is often found to predominate in middle-sized to small rural towns. Its major emphasis is on limited government and low taxes. Holders of this viewpoint expect people to work out their own problems without governmental assistance and to pay on a fee-for-service basis for what they do get from government. Programs which might cost tax increases are usually passed on to the higher levels of government, given over to private groups (like the Chamber of Commerce or private charity), or else ignored. In communities dominated by this view, even facilities that everyone wants--like adequate streets and sewerage facilities--are supplied parsimoniously. This image of the role of the government is often found among small merchants and marginal homeowners. Often the retired, living on a small fixed income, will hold this position.

4. Arbiter of conflicting interests. Usually found in large, heterogeneous cities, the citizen holding the arbiter view sees government as filling a primary role as referee among conflicting groups and interests. The task of government is to manage conflict among competing interests and to find a least commonddenominator on which to base some settlement or accomodation. An "arbiter" government may be similar to a caretaker

one in being generally passive, but it cannot be simply a caretaker because the heterogeniety of the community is likely to give rise to problems that cannot easily be avoided. Ethnic based, patronage fed, political machines usually provide "arbiter" government. Minorities, too, often held the "arbiter" viewpoint.

It is clear that which image of the city dominates the governmental form is largely a function of the social and economic make-up of the community. The rural, farm-oriented community is likely to be dominated by a caretaker image of government; the upper-middle class suburb will seek amenities; the industrial-commercial center will hold government to be an instrument of community growth, and the large metropolitan area will likely move toward the "arbiter" conception. It needs also to be made explicit that all communities probably contain some elements of each of these four community images.

Another way to describe broad basic orientations toward the community has been presented by Robert K. Merton.[11] He distinguishes between what he calls "locals" and "cosmopolitans" in their appreach to the community. As a sociologist, Merton is interested in more than the political implications of his discussion of these two types. It should be recognized that Merton's distinction focuses attention not on the population of the community as a whole but on "influentials." Still, Merton's categories provide us with another meaningful way to look at the grounds of division and integration in the local community. Those whose attachment to the community is from the perspective of the "local" says Merton, confine their interests

almost entirely to the community; the Larger Society hardly exists for them at all. The local is preoccupied with local issues almost to the exclusion of national or international ones. He is likely to have been a long time resident of the town and is attached to it by a pattern of social interrelationships and personal loyalties. Those personal contacts are the major source of social and political influence for the local.

The "cosmopolitan" is likely to have been born, raised, and educated elsewhere. There may be immediate business or professional relations which attach the cosmopolitan to the town but he is more a citizen of the Larger Society. The cosmopolitan is less thoroughly integrated into the social relationships of the town; but nonetheless may be influential as a result of the prestige of his position or his attachments to high status businesses or professions. Rather than achieving influence through personal relationship as the local, the cosmopolitan relies on "imputed expertness," which leads others to seek his advice on public matters.

It is difficult to generalize as to what classes of people will be found to exhibit the local or cosmopolitan orientation. Generally, downtown businessmen whose market is primarily in the local community will be local in their orientation; executives of business of regional or national size and producing for more than a local market are likely to be cosmopolitan in outlook.

It is apparent that the proportion of these two types in a given city will profoundly affect the political style and content of its politics. Presumably, locals will find them-

selves at home either in the personal politics of the small town or the ward politics of the larger cities. The local is likely to hold either the Caretaker or the Instrument of Community Growth conception of the role of local government. Cosmopolitans will be interested in area-wide political organizations, although even more interested in state or national organization. They will favor activities that are "professional" or that involve issues that are being discussed on the state or national scenes -- e.g. education, human relations, or urban renewal.

Obviously, circumstances which affect the balance of these two types will have important long-run affects on the community. If, for example, migration results in a drain of cosmopolitans from a city, its political character will be altogether changed. Or, the location of large industries in a town previously controlled by locals will result in an influx of cosmopolitans whose views will contest with accustomed modes of political behavior.

As we have been discussing the varieties of views of the local community that can support political agreement and disagreement, our focus has been both on the distribution of attitudes among the citizens as a body and amomg leaders. Since leadership is always such an important part of politics, more detailed attention should now be turned to it.

Community Leadership

Probably it is a part of the folklore of every community in the United States that " a small group of people run this town." There seems always to be a Mr. X, whose stamp of approval

it is assumed, is an absolute prerequisite to accomplishing any community political goal.

It is especially tempting to reach this conclusion when a number of community issues that seem pression quietly die without being acted upon. Take comprehensive planning for example, or smoke control, or enforcement of housing codes. Many of the organized groups in town may agitate for action. Newspapers, radio, citizens groups may lend public support and create much discussion. Yet nothing happens, agencies of local government which could take effective action do not do so. It is easy, and probably often correct to conclude that if we look beneath the surface we may find that certain people of power in the community whose vested interests might be threatened have, under cover, informally, and in certain patterned relationships with each other, worked out a way to keep anything from happening.

Social scientists are less sure than the community folklore, but have devoted a great deal of time and attention recently to discover and describe kinds of what are being called "community power structures", that is, systems of ordered relationships among a group of leaders who are collectively able to consistently and decisively influence public decisions.

It appears from a limited number of case studies that there is greatest likelihood of there being a coherent structure of power in small, rural communities. This is an interesting and paradoxical finding in view of our cultural assumptions about democracy in such "grassroots" communities. A study of a farming

community of about 1,000 in upstate New York, for example, indicated that the town was substantially governed by a small clique of long-time residents who occupied strategic positions--a lawyer, a newspaper publisher, and a farm supply merchant.[15] Still, power structures are not confined to small or middle-sized towns. In another study, this time of a large urban center--Atlanta--Floyd Hunter found not only an elite but also that this "top leadership" was dominated by businessmen.[9] Numerous other studies have been undertaken, and for the most part those that have used Hunter's research methods have come to the same kind of findings he did--except for some differences in the degree of business dominance and in the pervasiveness of the control of the power structure.

Studies utilizing different research methods than Hunter's serve as a caution that the existence of a power structure cannot be categorically assumed. Robert Dahl's study of New Haven, Connecticut, for example, was painstaking in its efforts to observe actual behavior in the resolution of specific issues, and to designate no one as powerful unless he could be observed to act in ways that decisively influenced the outcome of the issue.[5] After studying leadership in three major issues-- in this way--urban redevelopment, education, and political nominations-- one of the researchers in that study concluded that ". . . in none of the three issue-areas could we detect the faintest hint of what Hunter described. . .namely, the more or less covert determination of community politics by a

politically homogeneous economic and social elite."[5]

Lively debate continues among the scholars as to which technique of study produces the most reliable results. Knowing use of either or both techniques, however imperfect, can at present produce a great deal of usable knowledge of how issues are resolved in the local community--who is reputed to be powerful, who participates at key decisional points, etc. Information of this kind will vary, of course, from community to community, so there is no way short of specific study that it can be obtained. Yet, this is the kind of knowledge which is a prime prerequisite to effective community action.

These are but a few of the pertinent aspects of that much maligned process called politics that we must be aware of in order to create viable public policy, suitable to cope with the emerging needs of a rapidly changing society and economy. But, action in response to this knowledge would in many instances still be inadequate. The structure, powers, financial capacity, and physical size of the political subdivision are also features that will support or obstruct community action. Thus, some discussion of government as distinct from politics, is in order.

Local Government

Having isolated certain pertinent aspects of local politics, attention may now be turned to local government. Three basic areas involving the current legal status of cities in Kansas will be discussed: 1) the fundamental relationship between state and local units; 2) permissible forms of local government; and 3) the boundaries of local governments.

Current law and established institutional arrangements provide the setting within which politics occurs; in other words the legal framework establishes certain ground rules which anyone seeking community action must either observe or recognize the need to change. Because of the complexity and technicality of the law related to these areas, I will be content to make only the most fundamental observations and leave the particulars to more detailed study of specific communities or problems.

State-Local Relationships Throughout the history of America the relationship between the state governments and local units have produced problems and misconceptions. Despite the almost universally endorsed ideal of Jeffersonian democracy that government should be kept close to the people, we have in fact, not provided a maximum of autonomy for local governments. The Federal Constitution does not mention cities; they are the creation of the state just as the private corporation is. Also, like the law governing private corporations, the municipal corporation has generally been governed by the application of the legal theory that what the state can create it can also destroy or, short of that, control. The rule most universally applied through the U. S. and in Kansas is "Dillons Rule" named after its author Justice F. Dillon of the Iowa Supreme Court which holds that:

> Municipal Corporations owe their origin to, and derive their powers and rights wholly from, the legislature. It breathes into them the breath of life, without which they cannot exist. As it creates, so may it destroy. If it may destroy, it may abridge and control. Unless there is some constitutional limitation on the right, the legislature might, by a single act, if we suppose it capable of so great a folly and so great a wrong, sweep from existence all the municipal corporations of the state, and the <u>corporations</u> could not prevent it. [17]

In affirming the conformity of this kind of ruling with the Federal Constitution, the Supreme Court provided the appropriate summary phrase -- "The city" it was held "is a creature of the state."[18]

Of course, we all perceive that there is greater local autonomy than this basic legal doctrine might lead the unwary to believe. Complete legislative control of local affairs has actually never been possible or desired. Dillon's rule more bespeaks the potentialities of legislative regulation than the actualities. However, it should be noted that courts have generally concluded that the city could not act unless specifically authorized to do so by the legislature.

When cities were small and scattered it was a relatively simple matter for the legislature to establish policies for local governments as the need arose. With the onset of rapid urbanization local demands have become increasingly pressing and complex, thus rendering specific authorizations too cumbersome and restrictive a process. Consequently, the "special legislation" procedure has been largely abandoned. The original Kansas Constitution of 1859 provided for the creation of a second technique for realizing legislative control over local governments -- it authorized "general laws" to be enacted that would be applicable to all municipalities. Differences in size, location, needs and desires of the local governments of the state, however, made it difficult to enact general laws that were satisfactory to all the affected communities. In the current century attempt has been made, both in Kansas and in

other states, to establish "classifications" of cities and to provide for needed differences in local governmental policies in this way. Classification, too, has certain important disadvantages; primarily it tends to degenerate back to a kind of special legislation system, as the legislature defines ever narrower classifications to meet specific needs or unique problems.

Although there are many deviations from the classifications, generally Kansas relies on a scheme of three classes. Cities with a population of 15,000 or over are cities of the first class; cities from 2,000 to 15,000 are cities of the second class, and cities below 2000 population are provided for as cities of the third class. The initiative of the city is required to allow entry into any of these classes.

Other states have recently moved to either or both of two other techniques of providing for state-local relations. Both of these schemes seek to overcome aspects of Dillon's Rule by affording greater autonomy to the local community. Several states have provided a series of authorizations for local governments and allowed the local officials to choose from a variety of legal arrangements provided by the legislature. A variation on this technique has been for the legislature to put together a "package" of such laws, which a municipality may enact. Typically, the package carries with it an entire charter which defines the form of municipal government and describes the scope of local power and the manner in which it may be exercised.

In 1961, an amendment to the Kansas Constitution brought the state to another method by which state-local relations may be developed -- the amendment provided for a type of "Home Rule" for cities.

Home Rule in Kansas

The Kansas Home Rule Amendment attempts to define more clearly the relationship between the city and the state. The Amendment rests on a fundamental distinction; it divides the basic authority of the cities into two traditional categories -- matters that are of statewide concern and matters that are of local concern.[6] The Amendment aims at preserving matters of statewide concern for the action of the Legislature while turning over to the city government matters of solely local concern. Unlike Home Rule provisions of other states, however, the Kansas Amendment goes on to distinguish between matters of statewide concern that require mandatory state action and those matters of statewide concern in which the state may, if it so chooses, act but may leave to local action.

Mandatory state action is specifically required of the Legislature in the following areas:

1. the incorporation of cities.
2. the methods by which city boundaries might be changed.
3. the methods by which cities may be merged and consolidated.
4. the methods by which cities may be dissolved.

The areas within which legislative action is optional is, indeed, broad. They include:

1. limiting or prohibiting cities from levying taxes and other exactions by enacting uniform provisions to be applicable

to all cities of the same class (the amendment stipulates that no more than four classes of cities may be established).

2. controlling the activities of cities in matters deemed to be of statewide concern, and apparently also matters of local concern by means of enactments which are uniformally applicable to all cities of the state.

3. prescribing the limits of indebtedness.

4. requiring that any matter, including those of local concern, be submitted to a referendum of the local electorate.

Although these areas of Legislative discretion are potentially great, whether the potential is ever realized depends upon Legislative initiative, and that in itself, marks a major difference from the situation as it prevailed under the guidance of "Dillon's Rule."

The authority which accrues to the cities may be exercised by local officials in two ways, depending upon the nature of the subject matter -- either by ordinary ordinance or by charter ordinance.

Ordinary Ordinance. Where there is no act of the legislature related to a matter of local concern, a city may proceed to enact an ordinary ordinance on the subject. Most of the concerns of a city are likely to be of this kind. For example, if a city finds its dogs a growing nuisance, and there is no state statute on the subject, the city is free to create a regulatory ordinance. If there is a state statute, the city may not enact an ordinary ordinance but must consider a charter ordinance if it cares to proceed.

Charter Ordinance. If there is legislation on a subject which is applicable to a city but is not necessarily uniformly applicable to all cities in the state, the city may exempt itself from the state enactment by means of a charter ordinance. The crucial question as to whether a subject is properly one for a charter ordinance is whether the Legislature intended that their enactment apply uniformly to all cities in the state.

In bare outline, to conclude a charter ordinance requires: 1) an initiating two-thirds vote of the city's governing body; 2) the text of the ordinance must be published in the local newspaper once a week for two consecutive weeks; 3) the ordinance takes effect within 60 days after the two weeks unless the citizens of the city call for a referendum; 4) referendum may be called by petition of 10 percent of the voters; 5) the referendum election is to be held within 90 days of the filing of the petition and takes effect if approved by a majority of those voting on the referendum.

In addition to allowing the cities this grant of qualified local self-determination; certain important subjects are given over to local action by specific legislative enactment. One area of particular interest is the power to plan.

Planning

Local planning is left to the initiative of the city itself. State law authorizes any city to create a planning commission by ordinance and to provide for the number of planning commissioners.[19] The planning commission may number from seven to fifteen members, at least two of whom must reside outside the city but within three miles of the city limit.

The Planning Commission is given the authority to prepare a comprehensive plan for the development of the city and unincorporated territory outside the city, but within the county, "...which in the opinion of the commission forms the total community of which the city is a part."[19] The Planning Commission is given authority to make recommendations for the development of the city in the following general areas:

1. land use.
2. population and building intensity.
3. types, ownership and location of public facilities.
4. public improvements.
5. long range financial plans and capital improvements.
6. utilization and conservation of natural resources.

Once a comprehensive plan has been prepared by the Planning Commission and submitted to the governing body of the city, current law requires that the governing body must take some action on the plan within 60 days.

Forms of Government

Kansas Municipalities are authorized to choose among five basic governmental forms 1) mayor-council; 2) commission; 3) mayor-council-manager; 4) commission-manager; and 5) council-city-manager.

Mayor-council. Until 1907 the mayor-council was the only form available in Kansas. It is still the form most often found throughout the state. The mayor and council are separately elected and exercise executive and legislative powers respectively. The council ranges from a size of four to twelve

depending on the class of the city. The mayor and the councilmen are elected for two year terms. Councilmen are elected for two year terms. Councilmen are elected from wards in first and second class cities, and at large in cities of the third class. Mayors are elected at large in all three classes of cities.

Commission Plan. Available since 1907, the commission plan concentrates all legislative and executive authority in one body -- the commission. Individually, each commissioner is elected to administer a designated administrative department. Collectively, the body of commissioners makes up the policy making body, equivalent to the council. In other states, the commissioners generally choose a mayor from among them, but in Kansas the mayor is elected along with the commissioners. However, the mayor's powers are not broad; he has a vote and presides at meetings of the council but exercises no veto.

City Manager Plan. Some form of city manager government has been authorized by the state legislature since 1917. As of the present there are three variations which a city may adopt; a commission-manager form; mayor-council-manager form; and, a council manager form.

The commission-manager form provides for an elected board of commissioners. Unlike the regular commission form, however, commissioners do not administer a specific administrative unit. The commission elects one of its members chairman who serves as mayor for ceremonial purposes. The commission appoints a manager who is charged with administering the city government. The manager serves at the pleasure of the commission.

The mayor-council-manager provides for the election of a mayor and councilmen as in the regular mayor council form. This governing body appoints a city manager who executes the policies enacted by the council and administers the units of city government. When a city of the first class adopts this form, they must elect six councilmen; one from each of four "districts," and two "at large". In the second class city, commissioners are elected from wards, but in the third class city they are elected from the city as a whole.

Finally, the Legislative authorized in 1947 the adoption of a council-manager plan. To date it has not been used. Applicable to cities of the first class, this variation on the manager form provides that the city with the opportunity to divide itself into at least five wards for the election of councilmen rather than combining "district" and at large elections.'

The form of government of a municipality affects and is affected by the political process in the community. Consequently, the view of some reformers that the council-manager form is the "best" form of government for all municipalities cannot be taken at face value. Interestingly enough, there is some evidence that the urban area, characterized as it is by diversity of competing interests, is not always an hospitable environment for the council-manager form. In diverse urban areas it becomes difficult for a manager to maintain a stance as a non-political administrator. Yet, as the chief executive officer of the city he is often expected to exercise policy initiatives which, by their very nature must propose to resolve conflict. Those groups and interests who viewpoint has not won the managers favor may

pursue the easy strategy of claiming that the manager is being "political." In many urban areas, then, managers are appointed, discredited as "political", and discharged at a high rate. The manager form seems best adapted to cities in which there is little diversity and, thus relatively few politically attentive groups.[10]

Kansas municipalities are offered a wide enough range of possible forms of government that, with a little forethought, each should be able to adopt the governmental form which best suits its social, economic and political character.

Local Boundaries

Since the problems that attend urbanization are often strongly related to the boundaries of the municipalities this final area of state law should be of particular concern to those interested in community action.

The reasons that boundaries are an important aspect of the relationship of government to an urbanizing area are often discussed. However, a brief summary may highlight the pertinence of the boundary problem to Kansas communities.

The boundaries of the city can become important as the city grows. Development of business and residential uses outside the city limits may be welcome initially, but unless developing fringe areas are brought under the jurisdiction of the city government, they may produce a number of problems as they mature. Housing developments and industry will have need of a variety of services that the city will need to furnish and pay for -- sewers, roads, water, fire and police protection. All these services will be needed on a continuing basis. In areas where the fringe developments are primarily residential with the residents working in the

central city additional needs for transportation facilities to the center of the city, that is, roads, bridges, and public transport facilities, may develop. While these persons and industries, are the source of many demands on the central city, by living outside the corporate boundary escape paying the municipal taxes that support such public facilities. In the more advanced stages of urbanization, large segments of the middle-income taxpayers -- the bread and butter taxpayers of any government -- usually leave to escape the growing tax-burden. So it is, that some fringe dwellers attract others. At the same time, the central city is deprived of tax-revenues and left with the "problem groups" -- the unskilled, low-income individuals that are needed for a labor supply and who can take advantage of the lower rentals near the central business district and who for economic reasons must take advantage of the ability to walk to work. These groups are likely to have needs -- welfare, police and fire protection -- that place additional burdens on already heavily laden central city taxpayers -- hastening the day when they too, flee the central city.

Meantime, the fringe dweller has realized that if he is to continue to having the advantage of lower taxes, he must prevent the city from expanding its jurisdication over him. One way in which such protection may be gained is by banding together and becoming a separate municipal corporation. Once established, these separate suburban cities may be consolidated -- in Kansas, as elsewhere -- only with their consent. Such consent is not easily obtained, as the experience of Saint Louis, Missouri so eloquently testifies.

This short summary, then, is the essence of the nationally prominent "urban problem". It also makes it abundantly clear why the "problem" is heavily related with the boundaries of the central city. If the boundaries of the political unit were coterminus with the social and economic community that is the total metropolitan area, then policy and plans and the responsibility of paying for them could be the responsibility of a single governmental unit.. As it now stands the central governments of most metropolitan areas cannot be held responsible for problems, and problem creators over which they have no or only a fraction of authority.

Legal arrangements that would forstall similar developments in Kansas, have not been undertaken. Kansas provisions for incorporation, annexation and consolidation of municipal corporations are very much like those found throughout the country.

Annexation

The boundaries of a Kansas city are established at the time of incorporation. There is no self-executing statuatory provision for changing boundaries to better reflect the shape of the community. The initiative of the city is required. To annex adjacent unincorporated territory, the city must petition the board of county commissioners who hold public hearings on the subject. After the hearings, the board of commissioners, if it is satisfied that the annexation is desirable and will "cause no manifest injury to persons owning real estate" in the annexed territory, may authorize the addition of the fringe to the city.

Consolidation

As has already been indicated, Kansas law allows two or more adjacent cities to consolidate if both cities consent.

Consolidation can be promulgated by a joint ordinance of the governing bodies of the two cities unless restrained in the time alloted by a petition of 10% of the electors of the city. When that occurs, then the question of consolidation must be submitted to the voters, at which referendum a majority in each city of all those voting on the issue is required to enable consolidation.

Intergovernmental Cooperation Since it is clear that consolidation is a goal difficult to attain, several alternative arrangements have been fashioned through the country to facilitate necessary cooperation among the existing units. Kansas law, for example, authorizes the creation of Metropolitan or Regional Planning Commissions by "ordinance, resolution, rule, or order" of the governing bodies of the affected municipal corporations. These Commissions may study and create a Regional Plan. Implementation of the plan, however, remains in the hands of separate cities.

Alternative Schemes of Intergovernmental Coordination Elsewhere in the country, numerous other governmental arrangements have been attempted to cope with the problems arising from inaccurate definition of the boundaries of the total metropolitan area. Most proposals attempt to keep all existing governmental units in being, but to provide arrangements for more satisfactory coordination and sharing of functions and revenues. Three such arrangements will be briefly described to provide a stimulus to those who would seek alternatives to the present situation: the Lakewood Plan, the Dade County Plan and Toronto Federation Plan.

The Lakewood Plan.[7] Metropolitan Los Angeles County has long assumed many of the responsibilities of the unincorporated areas outside the City. The recent rapid pace of incorporation of

new cities in Los Angeles County led to the creation of the Lakewood Plan in 1954. Under this arrangement both incorporated and unincorporated places outside the City of Los Angeles are able to contract for a "package" of municipal services with the county government. The package may be variously composed of services from police protection to tree trimming. In this way the county is able to reap the benefits of scale; to purchase in quantity, minimize duplication of men and equipment and thus provide the same levels of service for less cost than the individual municipalities could.

Miami-Metro-Dade County.[13] A more comprehensive use of the county government was financed in 1957 by the county which embraces Miami, Florida. After gaining state constitutional authorization and local voter approval -- tasks unsurmounted in other areas that have made the effort -- a charter was adopted that gave other many powers that had been the exclusive prerogative of the municipal governments to the county government. The new charter provided for the creation of a structurally integrated county government and for the continuance of the existing twenty-six municipalities. The county government was authorized to construct expressways, regulate traffic, own and operate mass transit systems, maintain central records, provide communications facilities for police and fire protection throughout the county, provide hospitals and uniform health and welfare programs, furnish parks, establish and administer public housing and urban renewal, control flood and beach erosion, control air pollution, regulate and own public utilities, and engage in industrial promotion. It was also authorized to prepare and enforce comprehensive plans for the development of the county.

In its relations with the local governmental units, the county was empowered to set reasonable minimum standards for all municipalities to meet in the performance of any of their service or functions. Additional municipalities can be created within the county only with the approval of the county governing body and after the majority approval of the voters of the proposed new city.

Metropolitan Toronto Federation.[3] Although it has never been successfully adopted in the United States, Toronto, Canada has provided an example of a metropolitan area-wide government based on the principle of federation -- some powers and functions given to the metropolitan government and others reserved to the local governments.

The area-wide government encompasses the areas of all thirteen municipalities (an area of 241 square miles, containing over 1,200,000 residents). The Metropolitan Council is the area-wide governing body; consisting of twenty-five members. The federation act provides for equal representation on the council for the central city and the suburban communities (each has twelve members) and four equal representation among the suburbs (each of the twelve has one member).

The Metropolitan government haspowers comparable in scope to those of Dade County. Its powers include the assessment of property, ability to create and control water supply sewage disposal, arterial roads, transit, health and welfare services, administration of justice, metropolitan parks, public housing and planning. Effort is continuously made to distinguish between the local share in the performance of a particular function and the proper area-wide share.

Eas of these plans has its difficulties. The sharing of the planning function is filled with problems as is the sharing of tax sources and revenues. None of these plans is presented as wholly adapted to a Kansas setting. Still, they hopefully pose some unexplored possibilities which the imaginative could draw upon. The problems of multiple governmental jurisdiction is more easily faced at the early stages of urbanization for experience in other parts of the nation would seem to indicate that if they are not faced early, it is likely that they will not be faced at all.

This discussion of politics and government should be accompanied by an apology for its oversimplification. Obviously, any of these observations to be used, must be elaborated. It is hoped that, at the least, this discussion has provided those engaged in community affairs with a few political tools. It should be remembered, however, that like all tools, whether anything is built depends on the skill of the user.

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